

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

GENBIOPRO, INC.,

Plaintiff,

v.

Civil Action No. 3:23-cv-00058  
Hon. Robert C. Chambers

MARK A. SORSAIA, in his official capacity as Prosecuting Attorney of Putnam County, and PATRICK MORRISEY, in his official capacity as Attorney General in West Virginia,

Defendants.

**PLAINTIFF'S UNOPPOSED MOTION TO  
EXTEND DEADLINE TO RESPOND TO  
DEFENDANT MARK A. SORSAIA MOTION TO DISMISS**

On this day comes the Plaintiff, by and through counsel, Anthony J. Majestro, and requests an extension of five days in which to file its Response to Defendant Mark A. Sorsaia (“Defendant Sorsaia”) Motion to Dismiss (Doc 17).

On February 16, 2023, Defendant Sorsaia filed his Rule 12(B)(1) and Rule 12(B)(6) Motion to Dismiss, requiring a response from Plaintiff on or before March 2, 2023. Five days later, on February 21, 2023, Defendant Patrick Morrisey (“Defendant Morrisey”) filed his Rule 12(B)(1) and Rule 12(B)(6) Motion to Dismiss (Doc. 19), requiring a response from Plaintiff on or before March 7, 2023.

Because both Motions to Dismiss have some overlapping issues and in the interest of judicial economy, Plaintiff requests an extension of five days to March 7, 2023, in which to respond to Defendant Sorsaia’s Motion to Dismiss.

Counsel for Defendant Sorsaia has authorized Plaintiff to represent to the Court that she does not object to the five-day extension.

WHEREFORE, Plaintiff moves for the Court to extend the deadline by which it must file its response to the Defendant Sorsaia's Motion to Dismiss to March 7, 2023.

Dated: March 1, 2023

Respectfully submitted,

**GENBIOPRO, INC.**  
**By Counsel**

David C. Frederick (pro hac vice)  
Ariela M. Migdal (pro hac vice)  
Eliana Margo Pfeffer (pro hac vice)  
Mary Charlotte Y. Carroll (pro hac vice)  
KELLOGG, HANSEN, TODD,  
FIGEL & FREDERICK, PLLC  
1615 M Street, NW, Suite 400  
Washington, DC 20036  
Ph: 202-326-7900  
dfrderick@kellogghansen.com  
amigdal@kellogghansen.com  
epfeffer@kellogghansen.com  
mcarroll@kellogghansen.com

Skye L. Perryman (pro hac vice)  
Kristen Miller (pro hac vice)  
DEMOCRACY FORWARD  
FOUNDATION  
PO Box 34553  
Washington, DC 20043  
Ph: 202-448-9090  
sperryman@democracyforward.org  
kmiller@democracyforward.org

s/ Anthony J. Majestro  
Anthony J. Majestro (WVSB 5165)  
Christina L. Smith (WVSB 7509)  
POWELL & MAJESTRO PLLC  
405 Capitol Street, Suite P1200  
Charleston, WV 25301  
Ph: 304-346-2889  
amajestro@powellmajestro.com  
csmith@powellmajestro.com

John P. Elwood (pro hac vice)  
Daphne O'Connor (pro hac vice)  
Robert J. Katerberg (pro hac vice)  
ARNOLD & PORTER KAY SCHOLER LLP  
601 Massachusetts Avenue, NW  
Washington, DC 20001  
john.elwood@arnoldporter.com  
daphne.oconnor@arnoldporter.com  
robert.katerberg@arnoldporter.com

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION

GENBIOPRO, INC.,

Plaintiff,

v.

Civil Action No. 3:23-cv-00058  
Hon. Robert C. Chambers

MARK A. SORSAIA, in his official  
capacity as Prosecuting Attorney of  
Putnam County, and PATRICK MORRISEY,  
in his official capacity as Attorney General  
in West Virginia,

Defendants.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of February, 2023, I electronically filed the foregoing **“PLAINTIFF’S UNOPPOSED MOTION TO EXTEND DEADLINE TO RESPOND TO DEFENDANT MARK A. SORSAIA MOTION TO DISMISS** with the Clerk of the Court and all parties using the CM/ECF system.

s/ Anthony J. Majestro  
Anthony J. Majestro (WVSB 5165)